

Members

Rep. Sheila Klinker, Chairperson
Rep. Robert Alderman
Sen. Marvin Riegsecker
Sen. Rose Ann Antich-Carr
Suda Hopkins
Betty Williams
Christopher Durholz
Sally Lowery
Scott MacGregor
Joanne Warner
Sylvia Marie Brantley
Daniel Harshman



COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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MEETING MINUTES¹

Meeting Date: October 6, 2004
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Sheila Klinker, Chairperson; Rep. Robert Alderman; Sen. Marvin Riegsecker; Sen. Rose Ann Antich-Carr; Betty Williams; Christopher Durholz; Sally Lowery; Scott MacGregor; Joanne Warner; Sylvia Marie Brantley; Daniel Harshman.

Members Absent: Suda Hopkins.

1. **Call to Order:** Chairperson Klinker called the meeting to order at 1:40 P.M. She asked the members to introduce themselves. The minutes from the August 25, 2004, meeting were approved by a voice vote.

2. **Discussion of Legislation:** The Chairperson asked Ms. Kennell to explain the bill and resolution drafts which had been previously been distributed to the members.

PDOC 20051381.002: This bill (Exhibit 1) appropriates \$5 million for FY 2005-06 and \$8.5 million for FY 2006-07 to the Office of the Secretary of Family and Social

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Services for persons with mental retardation and developmental disabilities (MR/DD) for: (1) implementing system redesign; (2) training for employees; and (3) wage parity for individuals working in community settings.

There was discussion on funding for the appropriations. The appropriations for all three bills with appropriations are made from the State General Fund. For all three of the drafts which contain appropriations, the Commission recommends funding the expenditures by (1) using the net savings from the closure of Muscatatuck, Fort Wayne, and New Castle to offset these appropriations; and (2) urging the Governor and the Budget Agency to continue working with the United States Congress and other states to provide for implementing a sales and use tax on transactions made using the Internet (resolution draft 20051470/.001).

The PDOC was adopted by a vote of 11 to 0 on a motion made by Ms. Sally Lowery and seconded by Mr. MacGregor.

PDOC 20051378.002: This bill (Exhibit 2) appropriates \$9 million for FY 2005-06 and \$25.5 million for FY 2006-07 to the Office of the Secretary of Family and Social Services to expand services to individuals on the: (1) intermediate care facility for the mentally retarded (ICR/MR) waiver waiting list for diversion and deinstitutionalization; (2) autism waiver list; (3) support services waiver; and (4) nonwaiver adult day services program.

There was discussion on the possibility of combining the various waivers which the Family and Social Services Administration (FSSA) administers. There are individuals on the waiting lists for more than one waiver. Ms. Kristen Schunk reported that some states are seeking to combine their waivers. Representative Alderman suggested that the combination of waivers be a topic for future study.

The PDOC was adopted by a vote of 11 to 0 on a motion made by Representative Alderman and seconded by Mr. MacGregor.

PDOC 20051380.002: This bill (Exhibit 3) appropriates \$29 million dollars for FY 2005-06 and \$42 million for FY 2006-07 to the Office of the Secretary of Family and Social Services to provide additional emergency support for individuals with mental retardation and developmental disabilities who: (1) require permanent placements; (2) have lost institutional care placements; and (3) are no longer eligible to receive services from programs administered by the Department of Education or because the individuals had been declared children in need of services (CHINS) under IC 31-34 and are now too old to qualify as CHINS.

The PDOC was adopted by a vote of 11 to 0 on a motion made by Ms. Warner and seconded by Ms. Brantley.

PDOC 20051284.002: This bill (Exhibit 4) requires the Office of Medicaid Policy and Planning to adopt rules specifying the criteria used to determine the hours of care required by an individual placed under the ICR/MR waiver and establishing the process and criteria used to determine that an individual placed under the waiver has the substantial limitations necessitating the placement.

Mr. Dan Harshman suggested that Section 4(a) be amended to add a fourth category of twelve hours of staffing for persons who are medically at risk. The draft was amended by a voice vote on a motion made by Mr. Harshman and seconded by Representative Alderman.

In response to questions from the Commission, representatives of FSSA informed the members that rules are currently being drafted to address the issues covered by the draft.

The PDOC was adopted as amended by a vote of 11 to 0 on a motion made by Representative Alderman and seconded by Mr. MacGregor.

Resolution Draft 20051470.001: Chairperson Klinker explained the draft concurrent resolution (Exhibit 5). The Governor and the Budget Agency have been working with other states and with the U. S. Congress to enact legislation allowing states to impose sales and use taxes on Internet sales. This Concurrent Resolution urges the Governor and Budget Agency to continue these efforts. It is unlikely that the state would receive any revenue as a result of these efforts until the 2007-2009 biennium at the earliest. The MR/DD programs will not receive all of the money which the state will receive, but the increased revenue will benefit all state programs including those for the MR/DD population.

In answer to questions, Ms. Kim Dodson, representing The Arc of Indiana, reported that she had heard a number of different figures on how much the state could receive. One estimate is that the state could receive as much as \$600 million per year.

The Draft Resolution was adopted by a vote of 11 to 0 on a motion made by Mr. Durcholz and seconded by Senator Antich-Carr.

Resolution Draft 20051377.001: Chairperson Klinker explained this draft concurrent resolution (Exhibit 6) and reminded those present at the meeting of the demonstration of the NightTime Companion program at the second meeting of the Commission held in Lafayette. The NightTime Companion program provides electronic monitoring to replace the need to have staff present in the living settings twenty-four hours a day. The Resolution urges FSSA to implement a pilot for the program in Lake, Marion, Monroe, and Tippecanoe Counties.

Senator Antich-Carr recommended adding the words "is a" in the first whereas clause after "this" The Commission accepted that change by consent.

There was discussion about issues with the system and how it would work if an emergency occurred in a group home or independent home. All agreed that the individuals chosen for the program would have to be chosen carefully to be sure the program would work. The program would not be mandatory and would offer one more choice for living arrangements.

The Draft Resolution was adopted by a vote of 11 to 0 on a motion made by Ms. Warner and seconded by Senator Riegsecker.

3. Other Business: Senator Antich-Carr expressed concern for spending large amounts of money to place children out-of-state. She believes that if out of state placements are made, there should be a sliding scale for payment where the parents who can afford to contribute are charged. In the particular situation Senator Antich-Carr discussed, it is possible that the placement was made under Department of Education guidelines and not FSSA guidelines. The circumstances will be further investigated by FSSA.

The Commission is not required to adopt a final report. The members agreed by consent to include in the abbreviated information report which will be filed that the

Commission endorses the use of the net savings from the closing of Muscatatuck, Fort Wayne, and New Castle to provide additional funding for services for the MR/DD population.

4. Adjournment: The third and final meeting of the Commission was adjourned at 2:35 P.M.